

### Remarks

Claims 1-4, 6, 8-15, and 25-28 remain pending after entry of this amendment. Claims 5, 7, and 16-24 were cancelled herein. Claims 1,4, 6, and 25-27 were amended herein. Support for the amendments to claims 1 and 25 can be found at least in Figure 2 of the application as filed.

Applicant respectfully requests that this amendment be entered because it does not raise issues that have not been previously considered, and it places the claims in condition for allowance. Favorable reconsideration is requested in light of the amendments made above, and the remarks offered below.

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Magnusson et al. (U.S. Patent No. 5,216,680) (Magnusson '680). Applicant respectfully traverses this rejection.

Claims 6-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Magnusson '680 in view of Vilhelmsson et al. U.S. Publication No. 2002/0024979. Applicant respectfully traverses this rejection.

### 35 U.S.C. § 102 Rejection

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Magnusson '680. Claim 1 has been amended to specify that a configuration of a tunable laser assembly of the invention. Specifically, one where "at least some of said energy from said laser impinges upon said guided-mode grating resonant filter, which is configured to direct at least some of said energy upon said convex mirror, which is configured to direct at least some of said energy back to said guided-mode grating resonant filter, which is configured to direct at least some of said energy back to said laser, which is configured to direct at least some of said energy through said highly reflective bottom mirror". Although this rejection has not been raised with respect to the newly amended claims, it will be addressed to the extent that it may be applied.

Magnusson '680 does not include a configuration that functions in this manner. None of the embodiments illustrated in Figures 3A-3H would function in this manner. Because Magnusson '680 does not disclose an embodiment that functions in this way, Magnusson '680 cannot anticipate pending claims 1-4. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection.

**Rejection under 35 U.S.C. § 103**

Claims 6-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Magnusson '680 in view of Vilhelmsson et al. U.S. Publication No. 2002/0024979. Although this rejection has not been raised with respect to the newly amended claims, it will be addressed to the extent that it may be applied.

Applicant reiterates the comments offered above with respect to Magnusson '680 and respectfully asserts that Vilhelmsson does not provide the missing elements. Specifically, there is nothing about the device disclosed in Vilhelmsson that would lead one of skill in the art to modify the device of Magnusson '680 to create a device where " at least some of said energy from said laser impinges upon said guided-mode grating resonant filter, which is configured to direct at least some of said energy upon said convex mirror, which is configured to direct at least some of said energy back to said guided-mode grating resonant filter, which is configured to direct at least some of said energy back to said laser, which is configured to direct at least some of said energy through said highly reflective bottom mirror". Furthermore, there is also nothing in Magnusson '680 that would lead one of skill in the art to modify the device disclosed therein to create Applicant's device. Therefore, Applicant respectfully requests that this rejection be withdrawn.

**Conclusion**

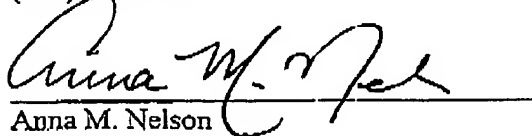
If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date:

January 6, 2004

  
Anna M. Nelson  
Reg. No. 48,935  
AMN/Vh